IC 35-38-8 Version a

Chapter 8. Restricted Access to Conviction Records

Note: This version of chapter amended by P.L.158-2013, SEC.404, effective 7-1-2014. See also following repeal of this chapter by P.L.159-2013, SEC.3, effective 7-1-2013.

IC 35-38-8-2 Version a

Application

Note: This version of section amended by P.L.158-2013, SEC.404, effective 7-1-2014. See also following repeal of this chapter by P.L.159-2013, SEC.3, effective 7-1-2013.

Sec. 2. This chapter applies only to a person:

(1) convicted of a misdemeanor or a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) that did not result in injury to a person; or

(2) adjudicated a delinquent child for committing an offense that, if committed by an adult, would be a misdemeanor or a Class D or Level 6 felony that did not result in injury to a person.

As added by P.L.194-2011, SEC.2. Amended by P.L.158-2013, SEC.404.

IC 35-38-8-4 Version a

Granting of petition; court findings

Note: This version of section amended by P.L.158-2013, SEC.405, effective 7-1-2014. See also following repeal of this chapter by P.L.159-2013, SEC.3, effective 7-1-2013.

Sec. 4. The court shall grant a petition under this chapter if the court finds:

(1) the person is:

(A) not a sex or violent offender; or

(B) a sex or violent offender, but the offender's status as a sex or violent offender is solely due to the offender's conviction for sexual misconduct with a minor (IC 35-42-4-9) and the offender proved that the defense described in IC 35-42-4-9(e) applies to the offender;

(2) the person was:

(A) convicted of a misdemeanor or a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) that did not result in injury to a person; or

(B) adjudicated a delinquent child for committing an offense that, if committed by an adult, would be a misdemeanor or a Class D felony or Level 6 felony not resulting in injury to a person;

(3) eight (8) years have passed since the person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence; and

(4) the person has not been convicted of a felony since the

person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence.

As added by P.L.194-2011, SEC.2. Amended by P.L.158-2013, SEC.405.

IC 35-38-8-5 Version a
Court order; restricted access to records
   Note: This version of section amended by P.L.158-2013, SEC.406, effective 7-1-2014. See also following repeal of this chapter by P.L.159-2013, SEC.3, effective 7-1-2013.
   Sec. 5. If the court grants the petition of a person under this chapter, the court shall do the following:
      (1) Order:
         (A) the department of correction; and
         (B) each:
            (i) law enforcement agency; and
            (ii) other person;
         who incarcerated, provided treatment for, or provided other services for the person under an order of the court;
      to prohibit the release of the person's records or information relating to the misdemeanor, nonviolent Class D felony, nonviolent Level 6 felony, or juvenile adjudication described in section 2 of this chapter, in the person's records to a noncriminal justice agency without a court order.
      (2) Order any:
         (A) state;
         (B) regional; or
         (C) local;
      central repository for criminal history information to prohibit the release of the person's records or information relating to the misdemeanor, nonviolent Class D felony, nonviolent Level 6 felony, or juvenile adjudication described in section 2 of this chapter, in the person's records to a noncriminal justice agency without a court order.

As added by P.L.194-2011, SEC.2. Amended by P.L.158-2013, SEC.406.

IC 35-38-8 Version b Repealed
   (*Repealed by P.L.159-2013, SEC.3.*)
   Note: This repeal of chapter by P.L.159-2013, SEC.3, effective 7-1-2013. See also preceding version of this chapter, effective 7-1-2014.